UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:23-cv-218-GCM

S. SHANE SMITH,)
Plaintiff,)
vs.	ORDER
NORTH CAROLINA DEPARTMENT OF ADULT CORRECTIONS, et al.,)))
Defendants.)) .)

THIS MATTER is before the Court on the North Carolina Department of Adult Corrections' (NCDAC) sealed Notice [Doc. 22] regarding the Court's Request for Waiver of Service [see Doc. 17].

The Amended Complaint passed initial review against several Defendants including NCDAC employees Teresa M. Jordan¹ and Monica Teague, and the Court initiated the procedure for waiver of service. [Docs. 16, 17]. NCDAC is unable to waive service Defendants Jordan and Teague, who are no longer employed with NCDAC, and it has provided these Defendants' last known address under seal. [See Doc. 22].

The Clerk will be directed to notify the U.S. Marshal that Defendants Jordan and Teague need to be served with summons and the Amended Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If Defendants Jordan and Teague cannot be served at the addresses provided by NCDAC, the U.S. Marshal shall be responsible for locating their home

¹ "Teresa Jardon" in the Amended Complaint. [See Doc. 15 at 1]. The Clerk will be instructed to correct this Defendant's name in the Court's record.

addresses so that they may be served. See 28 U.S.C. § 1915(d) (in actions brought in forma

pauperis under § 1915(d), "[t]he officers of the court shall issue and serve all process, and perform

all duties in such cases"); Fed. R. Civ. P. 4(c)(3) ("At the plaintiff's request, the court may order

that service be made by a United States Marshal or deputy marshal or by a person specially

appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma

pauperis under 28 U.S.C. § 1915....").

If the U.S. Marshal is unable to obtain service on Defendants Jordan and Teague, the U.S.

Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal

shall not disclose Defendants' home addresses to the pro se incarcerated Plaintiff and shall file any

document containing such an address under seal.

IT IS THEREFORE ORDERED that the U.S. Marshal shall use all reasonable efforts to

locate and obtain service on Defendants Teresa M. Jordan and Monica Teague. If the U.S.

Marshal is unable to obtain service on these Defendants, the U.S. Marshal shall inform the Court

of the reasonable attempts to obtain service.

The Clerk is respectfully instructed to mail a copy of the Amended Complaint [Doc. 15],

the Sealed Notice containing the Defendants' last known addresses [Doc. 22], and this Order to

the U.S. Marshal.

IT IS FURTHER ORDERED that the Clerk is respectfully instructed to substitute Teresa

M. Jordan for "Teresa Jardon" in the Court's record.

Signed: November 27, 2023

Graham C. Mullen

United States District Judge